

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201900835	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/28/2019 7:30 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 70	18 Mo. SOL 7/28/2020	EO SOL 3/14/2021	
Date/Time CV Reported Mon, 01/28/2019 2:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/28/2019 2:48 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Sebastian Drozniak	1838	950351	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Efrain Gonzalez	3555	931692	WARRSEC
2. POM William Hallahan	24474	953946	WARRSEC
3. SGT Lawrence Bettex	04846	893558	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Sebastian Drozniak	Abuse: Detective Sebastian Drozniak entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.DT3 Sebastian Drozniak	Abuse: Detective Sebastian Drozniak searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

Case Summary

On January 28, 2019, § 87(2)(b) called the CCRB and filed the following complaint. On January 28, 2019, at approximately 8:00 a.m., Detective Sebastian Drozniak, accompanied by additional officers from the Brooklyn South Warrant Squad, entered and searched § 87(2)(b)'s apartment located at § 87(2)(b), § 87(2)(b), in Brooklyn (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). No summons was issued or arrest made.

There is no video footage capturing the incident.

Findings and Recommendations

Allegation A- Abuse of Authority: Detective Sebastian Drozniak entered § 87(2)(b), in Brooklyn.

Allegation B- Abuse of Authority: Detective Sebastian Drozniak searched § 87(2)(b), in Brooklyn.

It is undisputed that Detective Drozniak was the case officer assigned to apprehend § 87(2)(b)'s brother, § 87(2)(b) § 87(2)(b) who was wanted § 87(2)(b). It is undisputed that Detective Drozniak was in possession of a 2012 arrest warrant for a § 87(2)(b) who at the time of the warrant's issuance, had resided at § 87(2)(b) § 87(2)(b). It is undisputed that Det. Drozniak knocked on § 87(2)(b)'s front door and informed her he had a warrant for § 87(2)(b). It is undisputed that § 87(2)(b) denied knowing § 87(2)(b) or that § 87(2)(b) resided at the location. It is undisputed that § 87(2)(b) consented to the officers to enter and search. § 87(2)(g)

§ 87(2)(b) testified (Board Review 1) that upon opening her front door, Det. Drozniak asked if she was § 87(2)(b) and stated that they had a warrant to search her apartment. § 87(2)(b) § 87(2)(b) inquired who the warrant was for and Det. Drozniak responded, "§ 87(2)(b) § 87(2)(b) § 87(2)(b) replied that she did not know a § 87(2)(b). Det. Drozniak told § 87(2)(b) that she was required to let the officers in to search, since they had a warrant. § 87(2)(b) requested to see the warrant, which Det. Drozniak produced. § 87(2)(b) observed the warrant having the name "§ 87(2)(b) "SAP," and § 87(2)(b)'s apartment address listed. There was no photograph on the warrant. § 87(2)(b) allowed Det. Drozniak, Det. Gonzalez, and Sgt. Bettex into her apartment. Det. Drozniak conducted a search of the apartment. Det. Drozniak searched each room in the apartment, including opening several closets. After the search, Det. Drozniak informed § 87(2)(b) that they were attempting to locate her brother, § 87(2)(b) and inquired his whereabouts. Det. Drozniak asked § 87(2)(b) questions regarding her brother for approximately 10 minutes before the officers left the apartment.

Det. Drozniak testified (Board Review 2) that while attempting to locate § 87(2)(b) § 87(2)(b) whom had an active I-card, he conducted a Department of Corrections search, which indicated that § 87(2)(b) § 87(2)(b) had lived with his sister on a prior occasion, but not at the incident location. Det. Drozniak conducted a "TLO" search, which is a public records database, and learned of § 87(2)(b) § 87(2)(b)'s current address. Det. Drozniak searched DAS-LITE and learned of an active arrest warrant for a § 87(2)(b) who lived at incident location at the time the warrant was issued. Det. Drozniak confirmed that he did not conduct any additional database searches or take any further action to confirm if § 87(2)(b) still resided at the incident location. Det. Drozniak went to § 87(2)(b)'s residence to apprehend § 87(2)(b) and to arrest § 87(2)(b). After

knocking on the front door, § 87(2)(b) answered. Det. Drozniak inquired about § 87(2)(b) and informed § 87(2)(b) about the existence of the warrant for § 87(2)(b). § 87(2)(b) replied that she did not keep in contact with her brother and did not know § 87(2)(b). Det. Drozniak showed § 87(2)(b) the arrest warrant and stated that § 87(2)(b) had an active warrant at the location. § 87(2)(b) told Det. Drozniak that the subject of the warrant did not reside at the location. Det. Drozniak asked if he could enter and look around the apartment. § 87(2)(b) said, "Yes" and opened the door fully to let Det. Drozniak inside. When asked if he told § 87(2)(b) she was required to let the officers inside because of the warrant, Det. Drozniak testified "No," but then stated that he told § 87(2)(b) that he had a warrant and he wanted to take a quick look around. Det. Drozniak walked through each room in the apartment. Det. Drozniak then inquired about § 87(2)(b)'s whereabouts.

In his memo book (Board Review 3), Det. Drozniak listed § 87(2)(b) arrest warrant number next to his entry regarding the visit to § 87(2)(b)'s apartment. Prior to visiting § 87(2)(b) Det. Drozniak visited several of § 87(2)(b)'s prior addresses and listed § 87(2)(b)'s I-Card number next to those addresses.

Det. Drozniak prepared DD5's regarding the search for § 87(2)(b) (Board Review 4). Page 15 notes that the officers went to § 87(2)(b) § 87(2)(b) with the intent to apprehend § 87(2)(b) § 87(2)(b). Neither § 87(2)(b) nor the arrest warrant for § 87(2)(b) is listed in the DD5. On the date of incident, Det. Drozniak visited several of § 87(2)(b)'s prior addresses, as noted on page five of the DD5's.

Det. Gonzalez testified (Board Review 5) that Det. Drozniak had informed him of the arrest warrant for § 87(2)(b) when they were outside of § 87(2)(b), but he did not know any specifics regarding the arrest warrant. Upon knocking, Det. Drozniak explained to § 87(2)(b) why the officers were there and what they were investigating. When asked if Det. Drozniak told § 87(2)(b) the officers were there looking for § 87(2)(b) Det. Gonzalez stated he would "imagine" Det. Drozniak would, but clarified that he did not hear what Det. Drozniak said. Det. Gonzalez did not know if Det. Drozniak told § 87(2)(b) that there was a warrant for the location or that § 87(2)(b) had to let the officers because they had a warrant. § 87(2)(b) told the officers that § 87(2)(b) was not at the apartment, but they could enter, and before making a "waving in" gesture, which Det. Gonzalez interpreted as physical gesture of consent. Once inside, Det. Drozniak searched the apartment, which returned negative results.

Sgt. Bettex testified (Board Review 6) that upon § 87(2)(b) opening the door, Det. Drozniak inquired her name and if § 87(2)(b) was at the location. § 87(2)(b) replied that § 87(2)(b) did not live at the location. Det. Drozniak informed § 87(2)(b) about the arrest warrant. Sgt. Bettex was not sure if there was any discussion about § 87(2)(b) prior to the officers entering the apartment, and stated discussion of the suspect normally happens once the officers are inside of a premise, in case the suspect is inside and hears that officers are looking for them. Sgt. Bettex did not remember hearing Det. Drozniak tell § 87(2)(b) she was required to let the officers enter because of the arrest warrant. Det. Drozniak did show § 87(2)(b) the arrest warrant, before asking to enter and search and affirming they had an arrest warrant. § 87(2)(b) opened the door and stated, "Yes, you may." After conducting the search, Det. Drozniak inquired about § 87(2)(b) and his whereabouts.

The investigation obtained a copy of the active arrest warrant issued for § 87(2)(b) on November 15, 2012 (Board Review 7). The defendant's information section lists § 87(2)(b).

§ 87(2)(b) residence. The warrant is for a SAP violation. The warrant does not contain a photograph of § 87(2)(b)

§ 87(2)(g)

Under the Fourth Amendment, a search warrant must be obtained, absent exigent circumstances or consent, for a law enforcement officer to legally search for the subject of an arrest warrant in the home of a third party. Steagald v. United States 451 U.S. 204 (1981) (Board Review 8). An arrest warrant founded on probable cause affords a police officer the limited authority to enter a dwelling in which the subject of the arrest warrant lives when there is reason to believe that he is within. People v. Rodriguez 19 Misc. 3d 302 (2008) (Board Review 15). Consent to search must be a free and unconstrained choice. Official coercion, even if deviously subtle, nullifies apparent consent. People v. Gonzalez 39 N.Y.2d 122 (1976) (Board Review 9). A court should consider the length of time between when the information was obtained and the time the warrant was executed. People v. Smith 806 N.Y.S. 2d 447 (2005) (Board Review 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).
- Det. Drozniak has been a member of service for seven years and has been a subject in two prior CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- As of April 26, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 14).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date